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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,376	11/30/2004	Gunter Gegner	PHDE020139US	1408

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
595 MINER ROAD
CLEVELAND, OH 44143

EXAMINER

HARRISON, CHANTE E

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/516,376	Applicant(s) GEGNER ET AL.	
	Examiner Chante Harrison	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,9 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 3-5,8,10 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11-30-04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite freely positioning and scaling display objects while ***possibly*** suppressing details.... The use of “possibly” renders the claim indefinite as those claim elements indicated as possibly occurring may or may not be necessitated.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6, 7, 9, 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by David McComb et al, US 6,111,573, 2000.

As per independent claim 1, McComb discloses optimizing the presentation on a display screen of objects of a user interface (Fig. 8) which can be freely positioned and scaled

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(col. 7, ll. 10-15; col. 9, ll. 61-65) by means of control elements by means of a predetermined calculation rule (i.e. layout rule) in such a manner that the objects can be automatically changed, in dependence on the object contents (col. 7, ll. 10-21; col. 10, ll. 12-14), selected preferred settings (col. 9, ll. 15-24) and available display resource on the display screen (col. 9, ll. 62-66), between a minimum readable size and a selected maximum size in such a manner that optimum filling of the available display screen surface is achieved (col. 10, ll. 13-20, 35-40), possibly while suppressing less important details of the object contents (col. 10, ll. 12-14, 20-24) and while changing the mode of display of the object contents and/or the object (col. 5, ll. 35-40; col. 9, ll. 25-40) as well as while avoiding mutual overlapping of the objects.

As per dependent claim 2, McComb discloses wherein the objects are arranged within a fixed hierarchy in order to enable automatic suppression of objects, starting with the lowest hierarchical level, in case the display resource on the display screen is insufficient (col. 10, ll. 17-24).

As per dependent claim 6, McComb discloses objects can be automatically substituted among themselves (col. 10, ll. 24-30).

As per dependent claims 7 and 12, McComb discloses wherein the objects can temporarily be displayed in enlarged form in dependence on a given trigger signal which

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is produced by a control element which is defined by object selection/object marking (col. 5, ll. 2-10).

As per dependent claim 9, McComb discloses wherein respective rectangular surfaces are provided for the display of the objects on the display screen (col. 10, ll. 55-61).

As per independent claim 11, McComb discloses a device (Fig. 1; col. 4, ll. 22-26) for implementing the method of claim 1. Therefore the rationale as applied in the rejection of claim 1 applies herein.

As per dependent claim 13, McComb discloses wherein there are provided input means whereby the display can be changed (col. 4, ll. 53-58; col. 5, ll. 1-10).

Claims 3, 4, 5, 8, 10 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 571-272-7659. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chante Harrison
Examiner
Art Unit 2628

Ch
September 28, 2007

